

THE CHAIRMAN: All right.

Is there any other discussion? Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

DELEGATE SYBERT: I would like to ask the sponsor if he would agree to the addition at the end of it with these words "who shall serve at the pleasure of the attorney general so as to conform with what is in the present law and is a practice all over the country."

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Delegate Sybert, since I would, as I indicated before, wish to give the attorney general only such powers in this area as he now has by the present Constitution, I would not accept that additional language.

DELEGATE SYBERT: Even though it is in the present law.

DELEGATE CHABOT: But it is not in the present Constitution and therefore I would not accept this language.

THE CHAIRMAN: Delegate Mason.

DELEGATE MASON: Mr. Chairman, I would like to speak just briefly with respect to this amendment.

THE CHAIRMAN: You may proceed.

DELEGATE MASON: I rise to speak in favor of the amendment. I think Delegate Chabot clearly indicated the necessity for such amendment. Now, if the attorney general does not have the right to appoint by the constitution, then some other official could appoint the assistants for the attorney general which would be intolerable.

Now, even if we have a merit system, the attorney general would be the appointing power under the merit system so it does not prescribe the legislature from setting up a merit system if they so choose nor would it prevent the attorney general from appointing the assistants at his pleasure. So I urge you to vote for the amendment.

THE CHAIRMAN: Is there any other discussion?

Delegate Gleason.

DELEGATE GLEASON: Mr. Chairman and fellow delegates: I just have to disagree with that statement by Delegate Mason that if the power is granted to the

attorney general under this constitutional recommendation to appoint such deputies as may be prescribed by law, he will, of necessity, have the power to appoint such deputies.

The point is it will completely take away from the General Assembly at any time in the future the expression of the desire to put such employees within the attorney general's office under the merit system as the policy of the merit system and the protection of those employees may dictate.

We know that many of the employees of the attorney general's office stay in office through the life of their governmental career. Many of these jobs are routine. They do not take up policy matters. There is no reason, just because these individuals are lawyers, for them to be deprived of the merit system.

I suggest that the recommended provision under Delegate Chabot's proposal, the General Assembly already has this power but you are adding an additional power if you put this in the Constitution.

THE CHAIRMAN: Delegate Henderson?

DELEGATE HENDERSON: I rise very briefly to support this amendment. There are at the present time in this State no less than sixteen judges, sitting judges in the federal courts, in the state courts, on the Court of Appeals and any number of other ex-judges and lawyers who have served in the office of the attorney general. I venture to say that hardly any of those people would have been interested in a merit system job. They regarded it as an honor for them to come there and serve for a limited number of years. Some have served only a few years, some served longer. I do not think any of those people would have been attracted to a merit system job and because of the professional character of the work, I think it is most fortunate that we have this provision in the present Constitution and the present law. I urge you to vote for it.

THE CHAIRMAN: Is there any other discussion?

*(There was no response.)*

Are you ready for the question?

*(Call for the question.)*

The Clerk will ring the quorum bell.

The question arises on the adoption of Amendment No. 10 to Committee Recommendation EB-2.